

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

IKE LEE BROWN, #00401796

Plaintiff,

V.

DIRECTOR, TDCJ-CID,

Defendant.

Case No. 6:20-cv-141-JDK-JDL

## ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Petitioner Ike Lee Brown, a prisoner confined at the Coffield Unit within the Texas Department of Criminal Justice (TDCJ), proceeding pro se and *in forma pauperis*, filed this habeas corpus proceeding. The case was referred to United States Magistrate Judge, the Honorable John D. Love, for findings of fact, conclusions of law, and recommendations for the disposition of the petition.

On June 2, 2020, Judge Love issued a Report recommending that Petitioner's habeas petition be dismissed, without prejudice, for the failure to comply with an order of the Court. Docket No. 6. A copy of this Report was sent to Petitioner at his address, with an acknowledgment card. The docket reflects that Petitioner received a copy of the Report on June 11, 2020. Docket No. 7. However, to date and despite two opportunities to comply, Petitioner has not filed his amended habeas petition as ordered.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, because Plaintiff did not file objections in the prescribed period, the Court reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).


The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (holding that where no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law.”). Accordingly, it is

**ORDERED** that the Report of the United States Magistrate Judge (Docket No. 6) is **ADOPTED** as the opinion of the Court. Further, it is

**ORDERED** that the above-styled civil proceeding is **DISMISSED**, without prejudice, for Petitioner's failure to comply with an order of the Court. Petitioner is **DENIED** a certificate of appealability *sua sponte*. Finally, it is

**ORDERED** that any and all motions which may be pending in this civil action are hereby **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this **25th** day of **September, 2020**.

  
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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE